

HOUSE BILL 3194
By Campfield

AN ACT to amend Tennessee Code Annotated, Title 40
and Title 55, relative to driving under the influence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. WHEREAS, it is the policy of this state that any person who operates a motor vehicle when the alcohol concentration in such person's blood or breath is one fourth of one percent (.25%) or more, demonstrates wanton disregard of the laws of this state and poses an extreme safety hazard to himself and other citizens; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403(k)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(k)

(1) The vehicle used in the commission of the following violations is subject to seizure and forfeiture in accordance with the procedure established in title 40, chapter 33, part 2:

(A) A violation of § 55-10-401 where the alcohol concentration in such person's blood or breath is one fourth of one percent (.25%) or more;

(B) A person's second or subsequent violation of § 55-10-401; or

(C) The second or subsequent violation of any combination of § 55-10-401 and a statute in any other state prohibiting driving under the influence of an intoxicant.

The department of safety is designated as the applicable agency, as defined by § 40-33-202, for all forfeitures authorized by this subsection (k).

SECTION 2. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following language as a new, appropriately designated subsection:

(t)

(1) If the law enforcement officer determines as a result of a breath alcohol test that the alcohol concentration in such person's breath is one fourth of one percent (.25%) or more, the officer shall:

(A) Transport the operator to a hospital laboratory or emergency department for administration of a blood alcohol test; and

(B) Seize the vehicle pursuant to title 40, chapter 33, part

2.

(2) If the result of the blood alcohol test demonstrates that the alcohol concentration in such person's blood is one fourth of one percent (.25%) or more, then the seized vehicle shall not be returned to the operator, but shall be forfeited to the state subject to the provisions of title 40, chapter 33, part 2, and disposed of in accordance with such part.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.